

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LOGAN FARMS, INC., et al.	:	
	:	
Plaintiffs	:	
	:	
v.	:	Case No. C-1-01 437
	:	
HBH, INC., et al.	:	
	:	
Defendants.	:	

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE
TO FILE ANSWERS AND AFFIRMATIVE
DEFENSES OUT OF TIME**

Defendants HBH, Inc., (“HBH”), Honey Baked Ham Company of Philadelphia, Inc., (“Philadelphia”), The Honey Baked Ham Company (“Wisconsin”), The Honey Baked Ham Company (Arizona) (“Arizona”), The Honey Baked Ham Company (Ohio) (“Ohio”), The Honey Baked Ham Company (Kentucky) (“Kentucky”), The Honey Baked Ham Company (Missouri) (“Missouri”), The Honey Baked Ham Company (Virginia) (“Virginia”), The Honey Baked Ham Company (Minnesota) (“Minnesota”), The Honey Baked Ham Company (Kansas) (“Kansas”) and The Honey Baked Ham Company (Delaware) (“Delaware”) (collectively “Defendants”), by and through undersigned counsel, respectfully request that the Court grant this Unopposed Motion for Leave to File the appended Answers and Affirmative Defenses Out of Time.¹

This Court, in large part, granted Defendants’ Motion to Dismiss on August 29, 2003. An Answer was due 10 days later. As this Court is well aware, Plaintiffs are engaged in a substantially similar dispute presently pending in the United States District Court for the

¹ Plaintiffs’ counsel has communicated to Defendants’ counsel that Plaintiffs do not oppose this Motion.

Southern District of Texas, Houston Division (“Texas Action”) and against the HoneyBaked Limited Partnership and five other HoneyBaked corporate entities that are HoneyBaked Licensees of the Limited Partnership. Plaintiffs and the five Defendants in the Texas Action² currently are embroiled in the final phases of a protracted discovery schedule which has required extensive travelling during the months of June, July, August and September 2003, due to the parties’ active deposition schedule. As a consequence of the fact that Defendants’ counsel has been out of town, defending and taking these depositions in the Texas Action, Defendants’ counsel failed to file an answer along with Defendants’ affirmative defenses within the designated time period. Defendants’ counsel apologizes for this oversight.

Plaintiffs in this action have suffered no harm as a result of this delay because the complaint filed by Plaintiffs in the Texas action and the answers and affirmative defenses filed by Defendants in the Texas action are practically identical to those submitted in this action, Plaintiffs are already on notice and cognizant of Defendant’s intended answers and affirmative defenses, and as such, will not be subjected to any prejudice as a result of Defendants filing out of time. In fact, counsel for Plaintiffs have notified counsel that they do not oppose this Motion.

Counsel for Defendants again apologizes to the Court for any inconvenience this late filing may have caused, and respectfully requests that the Court grant this Unopposed Motion for Leave to File Defendants’ Answers and Affirmative Defenses Out of Time, as well as to file in the Court’s docket the appended Answers and Affirmative Defenses.

² HBH Limited Partnership, The Original Honey Baked Ham Company of the East, Inc., Honey Baked Ham Company (Michigan), Honey Baked Ham, Inc. (California) and HBH, Inc.

Respectfully submitted,

s/ Marcia V. Andrew

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following nonCM/ECF participants:

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